REMARKS

The Examiner has rejected Claims 1, 3, 5, 6, 7, 9, 11, 13, 14, and 15 under 35 U.S.C. 103(a) as being unpatentable over Fanning et al. (U.S. 6,742,023), in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove.

For example, the Examiner relies on the following excerpts from Fanning to make a prior art showing of applicant's claimed "receiving a response to the request containing a local alias URL, the local alias URL pointing to a destination on a responding server node" (see this or similar, but not identical, language in all of the independent claims).

> "...distribution application, wherein the search response comprises file descriptions matching the search request." (Column 3 lines 17-18)
>
> "...an automatic selection module, wherein a data file description is automatically selected and the associated data file is downloaded, the automatic selection module choosing a data file description..." (Column 3 lines 50-52)
>
> "FIG. 6 shows the preferred embodiment, where the system of the present invention utilizes a search module 806 for searching the file index, in which a search request submitted by the distribution application 800 is processed and a search response, containing file descriptions matching the search request, is returned to that distribution application 800. When a user wishes to locate a particular data file, the search module 800 constructs a search request to the file index 810 based on the search criteria specified by the user through the distribution application 800. The search criteria can contain a complete filename or a subsection of the filename, limitations on any of the fields of ancillary data, the file size, or limitations on the file transfer server including bandwidth to network or percentage of successful downloads. The index server 808 executes the search request, prunes the file descriptions as appropriate, and displays the search response to the user." (Column 10 lines 49-65)

Such excerpts, however, merely suggest search responses including file descriptions. There is not even a suggestion, however, of any sort of responses including a URL, let alone a local alias URL that points to a destination on a responding server node.

The Examiner purports that "the returned results and data file descriptions are in URL form." Applicant respectfully disagrees. Such file descriptions merely comprise: a title of the data file, the size of the data file, the type of data file, any text associated with the data

file, the creator of the data file, the quality rating of the data file, and the distribution application where the data file resides. None of such entities involve a URL, as specifically claimed. Only applicant teaches and claims such a local alias URL pointing to a destination on a responding server node, in the context of the claimed invention.

Still yet, the Examiner relies on the following excerpt to make a prior art showing of applicant's claimed "forwarding the task to the local alias URL for performance of the task by the responding server node" (see this or similar, but not identical, language in all of the independent claims).

> "Using the displayed sorted search response, the user can select one of the data file descriptions, thus initiating a download of the data file using the file transfer client 114. The user interface 118 shows the status of each download. Any download can be canceled prior to completion. Interrupted downloads are displayed as well.
>
> In the preferred operation, the system of the present invention distributes data files as shown in FIG. 4. After a distribution application is connected to the system, the process begins 400. The first step 402 is that a first distribution application connects to a second distribution application. Following, the next step 404 is that the first distribution application requests a data file from the second distribution application. In step 406, the second distribution application transmits the data file to the first distribution application. Next, in step 408, the first distribution application stores the data file into the data file repository. Then, as shown in step 410, the data file is placed in the first distribution data file repository and is automatically made available to other distribution application in the community." (Column 12 lines 8-28)

By virtue of the fact that Fanning does not even suggest a response including a URL, as claimed, there can not be a suggestion of any sort of forwarding of the task to the local alias URL for performance of the task by the responding server node.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Nevertheless, despite the foregoing paramount differences noted above and in the interest of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the subject matter of Claims 2 and 7 et al.

With respect to the subject matter of Claim 7 et al. (now incorporated into each of the independent claims), the Examiner relies on the following excerpt from Fanning to make a prior art showing of applicant's claimed "wherein, after said receiving, a message is broadcasted indicating that the requesting peer has located the responding server node" (see this or similar, but not identical, language in all of the independent claims).

> "Using the displayed sorted search response, the user can select one of the data file descriptions, thus initiating a download of the data file using the file transfer client 114. The user interface 118 shows the status of each download. Any download can be canceled prior to completion. Interrupted downloads are displayed as well." (Column 12 lines 8-13)

The Examiner continues by arguing that "where the downloading from the server would necessitate the reception of a message that the requestor has located the responding server." Applicant respectfully disagrees with this assertion, as downloading from the server would not necessitate the broadcasting of a message indicating that the requesting peer has located the responding server node, especially after receiving a response to its request, as claimed.

It appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements, is respectfully requested. (See MPEP 2112)

The Examiner has rejected the subject matter of Claim 2 et al. (now incorporated into each of the independent claims) under 35 U.S.C. 103(a) as being unpatentable over Fanning

et al. (U.S. 6,742,023), in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996), in further view of Barkan (U.S. 5,864,667). Applicant respectfully disagrees with this rejection.

For instance, the Examiner relies on the following excerpt from Barkan to make a prior art showing of applicant's claimed "wherein the server node is placed in a black list of the requesting peer if said verifying is unsuccessful" (see this or similar, but not identical, language in all of the independent claims).

> "If a key is compromised, it is practically impossible to remove it from the server; PGP and RSA only keep a second list (the black list) of disabled or canceled keys, and users are advised to check that list to ensure key reliability." (Column 16 lines 49-52)

Such excerpt, however, merely suggests putting keys in blacklists. There is not even a suggestion, however, of any sort of placement of a server node in a black list, let alone doing so if the verifying, as specifically claimed, is unsuccessful.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met. since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further emphasizes that the Examiner's rejection of the dependent claims is replete with deficiencies. Just by way of example, the Examiner has rejected the subject matter of Claim 4 et al. under 35 U.S.C. 103(a) as being unpatentable over Fanning et al. (U.S. 6,742,023), in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996), in further view of Sullivan et al. (U.S. 2002/0103940). Applicant respectfully disagrees with this rejection.

In particular, the Examiner relies on the following excerpt from Sullivan to make a prior art showing of applicant's claimed "placing the server node in a black list of the requesting peer if a receipt packet fails to arrive within said maximum upload receipt time period."

> [C017] In one embodiment, the blacklist and whitelist manager comprises means for filtering traffic according to parameters set by a server application.

In order to support this rejection, the Examiner goes onto allege that the proposed combination "account for the filtering of servers by latency time." This is simply not true. Moreover, even if it were true, the proposed combination fails to suggest placing the server node in a black list of the requesting peer based on the condition that a receipt packet fails to arrive within a maximum upload receipt time period, as claimed.

As yet another example, the Examiner has rejected the subject matter of Claim 8 et al. under 35 U.S.C. 103(a) as being unpatentable over Fanning et al. (U.S. 6,742,023), in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996), in further view of Morris et al. (U.S. 6,496,851). Applicant respectfully disagrees with this rejection.

In particular, the Examiner relies on the following excerpts from Morris to make a prior art showing of applicant's claimed "wherein the task is an uploading task and wherein said forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server."

> '"File Transfer" allows a computer file, such as a document, a spreadsheet, or a pictorial or graphical data file, to be transferred from one user to another.' (Column 9, lines 61-64)
>
> "FIG. 14 shows a screen shot of a window 1400 that appears when a user receives a file transfer request from another user. File Transfer is one of the activities supported by the Rendezvous protocol. The recipient may either accept the file transfer request by clicking on "OK" 1402, or reject the request by clicking on "Cancel" 1404, corresponding to an acceptance and rejection, respectively, of the proposal (i.e., file transfer)." (Column 12, lines 44-51)

The Examiner further alleges that "Morris teaches a file transfer mechanism, where the user forwards an upload request to a peer with an alias URL, and upon acceptance, this

peer uploads the file from the user." This, again, is not true. Moreover, even if it were true, the proposed combination fails to even suggest the operation of forwarding the task to the local alias URL including forwarding a file to be uploaded to the remote non-local backend server, as claimed (emphasis added).

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met. since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the following newly claimed subject matter for consideration:

> "wherein the maximum upload receipt time period is set based on a frequency of which an uploading service at the responding server node performs an upload, a size of a file being uploaded, and a transmission speed" (see Claim 17);
>
> "wherein the method reduces a number of service clients that have to obtain files via the Internet" (see Claim 18);
>
> "wherein the task includes updating security files" (see Claims 19); and
>
> "wherein the security files include firewall files and anti-virus application files" (see Claims 20).

Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

In conclusion, all of the independent claims are deemed allowable. By virtue of their dependence on such independent claims, all of the remaining claims are further deemed allowable.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P274_01.013.03).

Respectfully submitted,
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